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In re Application of	:	
MARTIN, et al.	:	DECISION ON PETITION
U.S. Application No.: 10/590,057	:	
PCT No.: PCT/FR05/00429	:	UNDER 37 CFR 1.497(d)
Int. Filing Date: 23 February 2005	:	
Priority Date: 24 February 2004	:	
Atty Docket No.: 129161	:	
For: INTERMEDIATE FRONT FEEDER SUPPORT	:	
ELEMENT FOR A MOTOR VEHICLE AND	:	
PRODUCTION METHOD THEREOF	:	

This decision is in response to applicant's "Petition For Correction of Inventorship Under 37 C.F.R. § 1.48(a)" filed 13 September 2007 in the United States Patent and Trademark Office (USPTO). The petition is being considered under 37 CFR 1.497(d).

BACKGROUND

On 23 February 2005, applicant filed international application PCT/FR05/00429, which claimed priority of an earlier application filed 24 February 2004. A copy of the international application was communicated to the United States Patent and Trademark Office from the International Bureau on 29 September 2005. Pursuant to 37 CFR 1.495, the thirty-month period for paying the basic national fee in the United States expired at midnight on 24 August 2006.

On 21 August 2006, applicant filed a transmittal letter for entry into the national stage in the United States, which was accompanied by the requisite basic national fee as required by 35 U.S.C. 371(c)(1); a preliminary amendment, an English translation of the international application and an information disclosure statement.

On 14 December 2006, applicant filed an assignment and a declaration, which in addition to being executed by the inventors listed on the published international application was signed by a fourth inventor, Yvon Tetu.

On 09 July 2007, applicant was mailed a NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 (Form PCT/DO/EO/905) informing applicant that the filed declaration included an inventor, Yvon Tetu, who was not listed on the published international application. Applicant was given two months to respond and advised that this time period could be extended with a proper petition and payment of fees.

On 13 September 2007, applicant responded with the present petition accompanied by a

petition for a one-month extension of time and payment of the appropriate extension of time fee. As such, the response is considered timely filed.

DISCUSSION

A request under 37 CFR 1.497(d) [formally, 37 CFR 1.48] to correct an error in naming inventorship requires:

- (1) a petition including a statement from each person being added or deleted as an inventor that the error in inventorship occurred without any deceptive intention on his or her part;
- (2) an oath or declaration by the actual inventor(s) as required by 37 CFR 1.63;
- (3) the fee set forth in 37 CFR 1.17(h); and
- (4) if an assignment has been executed by any of the original named inventors, the written consent of the assignee in compliance with 37 CFR 3.73(b).

As to Item (1), applicant has provided a statement from Yvon Tetu declaring that the error in inventorship occurred without deceptive intent.

Regarding Item (2), on 14 December 2006 applicant filed a combined declaration and power of attorney executed by the inventors listed on the published international application, as well as, Yvon Tetu.

As Item (3), applicant has provided a petition fee payment of the \$400.00. Applicant is advised that the petition fee under 37 CFR 1.17(h) is \$130.00. As such, \$270.00 will be refunded to deposit account number 15-0461.

Regarding Item (4), applicant has provided a statement from the assignees consenting to the addition of Yvon Tetu as an inventor in the present application.

As such, applicant has satisfied all four items detailed above and it is proper to grant applicant's petition at this time.

CONCLUSION

For the reasons discussed above, the request under 37 CFR 1.497(d) is **GRANTED**.

A review of the application papers reveals that applicant has now completed all the requirements of 35 U.S.C. 371 for entry into the national stage. This application has an international application filing date of 23 February 2005 and will be given a date of **14 December 2006** under 35 U.S.C. 371(c)(1), (c)(2) and (c)(4).

The application is being returned to the United States Designated/Elected Office for further processing in accordance with this decision

A handwritten signature in black ink, appearing to read 'Derek A. Putonen'.

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